Kyaukse.

App. F. IX-4

Previous References

1927-30
LB. 1

File No. 114-29.

Serial Nos. 546.

Later References
L B 699-32 fls 16-18

General and Revenue Secretariat.

Serial Nos. 2

Part B for A B & L 30

SUBJECT

Amendments to the District Boards Regulation re: Election of Presidents and Vice-Presidents of District Boards.

Notfn No. L: 7719 Dated 25-4-30

Issued on ——

No. L 7720 Dy 25-4-30

Copy to D. C. Kyaukse

Kyaukse
2.5.30

5092

App. F. III—2]

General and Revenue Secretariat. Lrs File No. 116 of 1929

Serial No. 5 ~~304~~

Letter no. C. 274 | 29-30 dated 17 | 4 | 30 from the Deputy Commr Chittaldrug Dist soliciting clear instructions as to who should preside at the meeting to be held for the election of President and Vice President of the new District Board.

I st copy of the rules issued with note no L 4586 Lrs 25-26-36 dated 17 | 1 | 27 for regulating the election of Presidents and Vice Presidents of DBs is put up.

K

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2 Rule 4 of the rules, states that the members present, shall for the purpose of presiding at the meeting, select one from among themselves, who is not likely to be a candidate for the office of the President or the Vice President, as the case may be.

3 See 17 (2) of the Impos DBs Rgn, lays down, that notwithstanding anything contained in the Rgn or in the rules or notifications issued thereunder, the Dy Commr shall during the intervening period take the place of the President and be an additional member, till the new President enters upon his duties.

4 The Dy Commr states that rule 4 of the rules referred to above, is inconsistent with sec 17 (2) of the DBs Rgn.

5 ~~In this connection~~ I wish reference is invited to rule 17-27 & 27, 30, 31, relating to the election of Hon'ble K. Ranga Iyengar as

NOTE—Contn. sheet.

General and Revenue Secretariat. File No. 136 of 1929.

Serial No.

President of the Tribunal.

4 In this connection, an objection was held by some of the voters, that as no President was elected from among the Councillors, to preside over the meeting held for the election of the President, and the By-commr having presided the proceedings may be invalidated.

7 The question as to whether there was any illegality in the election on account of the By-commr presiding at the meeting was considered and the Legal Remembrancer opined that when it is expressly mentioned in the Rgn that the By-commr shall perform the functions, notwithstanding contained in the rules or notifications, the rules in this behalf become practically inoperative by the operation of the Rgn. See rs (5) of the Rgn.

Para 27 of the rules (in wkfile 117—29) I

9 In the present case also, when the By-commr is authorised under the Rgn (see 17-(2)) to be the President of the Municipality, till the new President enters upon his duties he shall have to preside at the meeting. If he is unable to preside at the meeting, for special reasons the rules become operative, and the members may select one from among them, to preside at the meeting.

Submitted for orders. The Law Department may be consulted.

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

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App. F. III—2]

General Secretariat. Revenue L. B File No. 314 of 1929

Serial No.

Flag 9

OFFICE OF THE SECOND MEMBER OF COUNCIL 22 APR. 1930 No. 7993.

9) In the light of the legal opinion recorded in No. 117-27 Secs 27, 30 & 33 the procedure prescribed in rule 4 of the 1st Board rules will have to be followed in all cases except those falling under Section 17 (2) of the 1st Board Regn. In order to remove all doubts, it is expedient to amend the rule by inserting the words "Except in cases falling under Section 17 (2)," at the beginning of the rule.

A draft is sent for appl.

21/4/30

10) 2nd Member

22/4

11) CSM 23/4 P.M. 23/4

12) Sec

23/4

I think Mr. Patel Section Order should be amended this by the 1st amdt.

23/4

To Mr Sastri for note & return.

6 To Compiler, Mysore Gazette. 23/4

No. L 7719 of 25.4.30

Forwards the notification for publication in the Gazette.

NOTE—Contn. sheet. No 7720 - Copies to ~~Comptroller~~ D.C. Chitaldrug.

WD 066—GPB—30,000—26-7-29

25/4 (Mr. M.P.) 30/4/30

If Exchequer is taken it will be dealt with separately. This may be recorded in No 3004 HS

25/4 MS 7/5

L. B. 30-29-307
" 114-29-5

D. O. No. 2744/4-30

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT.

Dated Chitaldrug, 17th April 1930

REV. S.
1 APR. 1930
L. & S. BRANCH
5892

URGENT.

Dear Mr. Ranga Rao,

Referring to Notification No. L. 4586 L.B. 25-26-36 dated 17th January 1927 issuing rules for regulating the election of Presidents and Vice Presidents of District Boards, I write to say that while rule 1 empowers the Deputy Commissioner to convene a meeting for the purpose, rule 4 directs that the members present shall select one from among themselves for purposes of presiding at the meeting. Section 17 (2) of the District Board Regulation lays down that "during the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or Notifications issued thereunder, take the place of the President and be an additional member if he is not already a member of the District Board until such elected or nominated President enters upon his duties". Such being the case, it seems to me that Rule 4 referred to above is not consistent with section 17 (2) of the Regulation. May I request clear instructions in the matter as to who (Deputy Commissioner or member selected at the meeting) should preside at the meeting to be held for the election of President and Vice President.

Yours sincerely,

Notification

No: L 7719 L.B/114-29-6 Dt-

25/4/1930

~~At the~~ In Exercise of the powers conferred by Secs 18 and 100(2)(b) of the Mysore DBs Regn, the Govt are pleased to direct that ~~in the beginning~~ the words "Except in Cases falling under Sec 17(2)," be inserted at the beginning of Rule 4 of the rules for regulating the election of Presds and Vice Presds of DBds issued under Notn no. L 4586-LB 25-26-36 Dt 17.1.27.

By Order

for Gen Secy to Govt:

CSB 23/4

To The Compiler n.g. for publication and supply of 250 Copies in English and Kannada to this Office and 50 Copies to each of the Presds of DBds.

Memo:- No: L 7720. Dt. 25/4/1930.

Copy with Compts to the D.C. Bhitaldrug Dt with ref to his Do no C 274/29-30 Dt 17.4.30. with the observation that ~~rule 4 of the~~ the procedure prescribed in Election rule 4 will have to be followed in all Cases except in those falling under Sec 17(2) of the Mysore DBds Regn.